(1)

(5) of 2003

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

W.P. No. 736 /2003

PETITIONERS :

1. Chowaram s/o Jhadram
   aged about 58 years.
2. Ramkhilawan s/o Takhatram,
   age 50 years
   Both r/o P.O. Ganiyari, Tahsil
   Takhatpur Distt. Bilaspur (C.G.)

Vs.

RESPONDENTS :

1. State of Chhattisgarh
   Through Collector
   Distt. Bilaspur (C.G.)
2. Mining Officer,
   District Mining Office,
   Collecterate Bilaspur, District,
   Bilaspur (C.G.).
3. Anamika Shukla w/o Atul Shukla
   age 27 years, R/o Near Bhattiya
   Nagar Petrol Pump, Ring Road,
   Bilaspur (C.G.)
4. Mustaq Hussain s/o Ibrahim Bhai
   age 41 years, R/o Khaparganj
   Bilaspur (C.G.)

P.R. No. Sd/- 16.10.03
Presented by Shri N.K. Sharma
dated 16.10.03

ED COPY.
18/9/03
TO A.G. BILASPUR

PETITION U/S 226/227 OF CONSTITUTION OF INDIA

XI-HC-22

(33)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.736/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

20.02.2004

Shri Ravish Verma, counsel for the petitioners.

Shri Ayaz Naved, Govt. Adv. for the State.

Heard.

By this writ petition the petitioners have challenged the order of respondent No.1 whereby the respondent No.1 has given the land bearing Khasra No.661/2 area 7.18 acre on lease for the purposes of setting up of brick-kiln whereas the said land was reserved for the Village Kotwar and cattle field (Gouchar Bhumi).

Learned counsel for the petitioner submits that as per the provisions of Section 237(2) and (3) of the Chhattisgarh Land Revenue Code, 1959, the Collector is not entitled to divert the use of the pasture and service land for the purpose of setting up of a brick-kiln without the resolution of the Gram Sabha and the respondent No.1-Collector has given the land on lease for setting up a brick-kiln in violation of the Sub-rule (2) & (3) of Section 237 of the Chhattisgarh land Revenue Court, 1959. Therefore the petitioners may be allowed to make a representation to

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No 736/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित ~02~	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

respondent No.1 and he be directed to decide the representation to which the learned counsel for the respondents has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioners are allowed to make a representation raising all their grievances to respondent No.1, who in turn will decide the representation within another 30 days from the date of receipt of the representation with a reasoned order, after considering the points raised by the petitioners in their representation.

With the above direction the petition is disposed of.

In view of the above order M.(W).P.No.630/03 & I.A.No.1790/03 stand disposed of.

Sd/-
L.C. Bhadoo
Judge

Roshan/Padma

[पीछे देखिये